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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,236	09/17/2001	Shinji Kobayashi	450100-03491	8335
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER HOLLOWAY III, EDWIN C	
			ART UNIT 2635	PAPER NUMBER 3

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,236

Applicant(s)

KOBAYASHI, SHINJI

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

EXAMINER'S RESPONSE

1. In response to the application filed 9-17-01, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borgstahl (US 5909183) in combination with Eisenhandler (US 5452291).

Regarding claim 1, Borgstahl discloses a portable information device (remote control) 300 comprising: initialization data transmitting means 300 for transmitting initialization data 326 to an access point; response data receiving means 300 for receiving response data 328 responsive to said initialization data from said access point; and operational information transmitting means 300 for transmitting

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information 334/340 used to operate a home appliance after said response data receiving means receive said response data. See figs. 20-21 and col. 16 line 15 - col. 17 line 17. Borgstahl differs from claim 1 by not expressly reciting the access point connected to a home network connected to home appliances, but does include peers connection to remote peer devices or appliance over a LAN via gateway interface 44 in fig. 1-2 and col. 5 lines 30-58.

Eisenhandler discloses an analogous art appliance control system where a portable remote control 90 controls appliances (50-56) connected to a home automation appliance LAN 80 using router 10 as an access point. This allows remote control of appliances in various locations of the home. See figs. 1-3 and col. 1 line 1 - col. 3 line 52 and col. 4 line 30 - col. 5 line 66.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Borgstahl connection of the access point to the appliance over a home network as disclosed in Eisenhandler to allow remote control of appliances in various locations of the home as suggested by Borgstahl disclosing connection of peers over a wired LAN using a gateway similar to the router of Eisenhandler.

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Regarding claim 2, Borgstahl discloses selecting an appliance address but does not expressly describe transmitting the address. Eisenhandler discloses a portable wireless device transmitting an address in col. 12 lines 9-28 in order to properly route the packet to a destination device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above the operational information transmitting means transmit identity information used to identify the home appliance in view of Eisenhandler disclosing a portable device transmitting an address to properly route the packet to a destination device as suggested by Borgstahl disclosing selection of an address of a device to be controlled.

Regarding claim 3, Borgstahl includes a network interface 44 for accessing a LAN connected to devices or appliances to communicate with each of the appliances; a portable information device interface 38 for communicating with said portable information device; and control means 40/42 for doing a negotiation with said portable information device via said portable information device interface, whereby data are transmitted between said portable information device and each of said appliances through said portable information device interface and said network interface after the negotiation by

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the control means. Negotiation is disclosed in col. 9 lines 5-67, including relaying communication over a router or gateway to a remote device 34. A home network is not expressly recited in Borgstahl, but would have been obvious for the same reasons applied to claim 1 in view of the interfaces 14 and 16 of Eisenhandler.

Regarding claim 4, said control means determine whether the data received from said portable information device interface are valid and further determine, when the data are valid, whether the data are an initialization packet, followed by creation of a new initialization packet when the data are an initialization packet, and outputting of the new initialization packet to said portable information device interface would have been obvious in view of the validation in col. 15 lines 16-25 of Eisenhandler in order to discard invalid packets and the initialization address search in col. 16 line 33 - col. 17 line 17 of Borgstahl.

Regarding claim 5, said control means analyzes data received from said portable information device and delivers the data to said network interface after a protocol conversion would have been obvious in view of the conversion in col. 7 line 58-col. 8 line 27 of Eisenhandler and suggested by the translation in col. 10 lines 25-40 of Borgstahl.

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Regarding claim 6, said control means determine whether data received from said network interface are valid for accessing said portable information device, creating a transfer packet and outputting the transfer packet to said portable information device interface when the data are valid would have been obvious for the same reasons applied above to claim 4.

Regarding claim 7, a home network system comprising; a home network for networking a plurality of home appliances; a portable information device connectable to said home network in a wireless manner; and an access point for reciprocal data communication between said home appliances connected to said home network and said portable information device, wherein said portable information device does negotiation to be served by said access point would have been obvious for the same reasons applied above to claims 4 and 6. Note that both Borgstahl and Eisenhandler include reciprocal data communication.

Regarding claim 8, said portable information device transmits to said access point the data used to select a home appliance from among a plurality of said home appliances after said negotiation would have been obvious for the reasons applied above to claim 2.

Regarding claim 9, a method for accessing a home network networking a plurality of home appliances, comprising: receiving

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from a portable wireless information device a request for accessing said home network; recognizing, upon receipt of the request for access, an address for designating a home appliance with which said portable wireless information device will communicate; and enabling exchange of data between the home appliance designated by recognized said address and said portable wireless information device would have been obvious in view of the requests such as address search request 326, address acknowledge 328 and the exchange of data 334-342 in fig. 21 of Borgstahl in combination with the home network interface and portable device transmitting a destination address in Eisenhandler for the reasons applied above to claims 1-2.

Regarding claim 10, a method for accessing a home network networking a plurality of home appliances, comprising: transmitting a request for accessing said home network to an access point connected to said home network; transmitting address information used to designate a home appliance included in said home network after transmitting the request for access; and transmitting operational information used to operate said home appliance after transmitting said address information would have been obvious in view of the requests such as address search request 326, address acknowledge 328 and the transmitting of commands 334-342 in fig. 21 of Borgstahl in combination with the

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home network interface and portable device transmitting a destination address in Eisenhandler for the reasons applied above to claims 1-2.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reitmeier (US 4746919), Adolph (US 5959539), Kaibatsu (US 5898386), Yang (US 6133847) and Shteyn (US 6199136) disclose home appliance control systems.

CONTACT INFORMATION


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
3/22/04


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635